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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/964,180	11/04/1997	MASAKI HIGURASHI	970668/LH	1966

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/964,180

Applicant(s)
Higurashi et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 7, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7, 9, 10, 12-14, 17, 19-22, 25, 27, and 28 is/are pending in the application.
- 4a) Of the above, claim(s) 1, 5, 7, 9, 12, 13, 17, 19, 21, 25, and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 10, 14, 20, 22, and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Oct 7, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. Applicant's election of Species corresponding to Figure 14 which reads on claims 2, 3, 10, 14, 20, 22, 28, in Paper No. 25 filed on 5/01/2002 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 1, 5, 7, 9, 12, 13, 17, 19, 21, 25, 27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 25 filed on 5/01/2002.

Response to Arguments

3. Applicant's arguments filed on 10/07/2002 have been fully considered but they are not persuasive.

In re page 9, Applicants argue that Ueno et al. do not disclose or suggest an image processing apparatus for setting a correction parameter based on previously photographed images and joining a plurality of images in accordance with the correction parameter.

In response, it is noted that the feature “*setting a correction parameter based on previously photographed images and joining a plurality of images in accordance with the correction parameter*” is not recited in claims. Regarding claim 2, the Applicant amended claim 2

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with the limitation “correction parameter setting means for setting correction parameters necessary to correct a brightness of at least one image of said plurality of images having a different exposure.” The Examiner considers that claim 2 as amended still do not distinguish from Ueno et al.. Ueno et al. disclose set aperture value display part 65 and aperture modification display part 66 (section [0051], page 27) as correction parameter setting means for setting correction parameters to correct brightness of at least one image.

In re pages 9-10, Applicants argue that Ueno et al. do not disclose or suggest an image processing apparatus which includes image input means; correction parameter setting means; brightness correcting means; image display means; image synthesizing means, as amended in claim 2.

In response, regarding claim 2, the Applicants amended claim 2 with the limitation “image display means for displaying said one image corrected by said brightness correcting means and the other images of said plurality of images; image synthesizing means for converting said one image and the other image of said plurality of images to be placed in a displaying range of said image display means based on said set correction parameters so that the images displayed by the image display means are displayed with almost the same brightness, thereby joining said plurality of images.” The Examiner considers that claim 2 as amended still do not distinguish from Ueno et al.. Ueno et al. disclose display device 44 for displaying one image corrected by said brightness correcting means and the other images of said plurality of images (figures 10,11). Ueno et al. disclose during the setting of the exposure synthesis mode (sections [0090], [0100], pages 40, 44,

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figures 10, 11, image synthesizing means) one image PR1 and the other images PR2-PR4 are displayed on display device 44, after the correction brightness is set (section [0095], [0100] pages 42, 44, figure 12) the proper brightness of image which is displayed as synthesis image 100 in figure 11.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2, 3, 10, 14, 20, 22, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al. (JP 8-32847).

Regarding claim 2, Ueno et al. disclose an electronic still camera comprising image input means for inputting one composition as a plurality of images taken with a different exposure (figures 1, 10, 11, exposure synthesis mode, sections [0090], [0091], [0092], [0093], pages 40-41); correction parameter setting means for setting correction parameters to correct brightness of at least one image (set aperture value display part 65 and aperture modification display part 66, section [0051], page 27); brightness correcting means (correction brightness display part 86, section [0095], page 42); image display means for displaying said one image corrected by said brightness correcting means and the other images of said plurality of images (display device 44,

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figures 10, 11); image synthesizing means for converting said one image and the other images to be placed in a displaying range of said image display means based on said set correction parameters (exposure synthesis mode, sections [0090], [0100], pages 40, 44, figures 10, 11) so that the images displayed by the image display means are displayed with almost the same brightness (one image PR1 and the other images PR2-PR4 are displayed on display device 44, after the correction brightness is set (section [0095], [0100] pages 42, 44, figure 12) the proper brightness of image which is displayed as synthesis image 100 in figure 11).

Regarding claim 3, Ueno et al. disclose wherein said image correcting means corrects the image by changing the correction parameters in accordance with differences in brightness between a plurality of images displayed by said image display means (figures 10, 11).

Regarding claim 10, Ueno et al. disclose wherein said image correction means corrects the image by changing an exposure ratio (set aperture value display part 65, figure 10) between a plurality of images, which is used as said correction parameters, in accordance with differences in brightness between a plurality of images displayed by said image display means (figures 10, 11).

Regarding claims 14, 20, claims 14, 20 are method claims of apparatus claims 2, 10, respectively. Therefore, claims 14, 20 are rejected for the reasons given respect to claims 2, 10.

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Claims 22 is considered equivalent to claim 14. Therefore, see Examiner's comments regarding to claim 14.

Claims 28 is considered equivalent to claim 20. Therefore, see Examiner's comments regarding to claim 20.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
12/12/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600